IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3870 of 2005

Between:

Byagadi Sayanna, s/o.G.Guntaji
R/o.H.No.Mahagaon village, Bhainsa, Adilabad District.

..... PETITIONER

AND

1 Superintendent of police, Adilabad District.
2 Sub-Divisional Superintendent of police, Adilabad District.
3 Inspector of Police, Bhainsa Rural Police Station, Adilabad District.
4 State of A.P. rep.by Secretary Home Dept., Secretariat building, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more in nature of writ of Mandamus directing the 1st respondent herein to conduct afresh investigation into Crime No.89/2004 on the file of Rural police Station, Bhainsa, Adilabad District or direct the investigation to be handed over in the said Crime to C.B.I. / state C.I.D. in the interest of justice and equity and to pass such other or further orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.MANIK PRABHU

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following:

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ORAL ORDER:.

Heard both sides.

2. The complaint of the petitioner is that the police have not been taking appropriate action, in spite of specific complaint made to them, for conducting fresh investigation into Crime No.89 of 2004 of Bhainsa, Rural Police Station, Adilabad District.

3. It is needless to say at the threshold that as and when a complaint is made by a citizen to the police, necessary action should be taken by conducting an effective investigation and bring the culprits to book.

4. It appears that some confessional statements have also been recorded by the police and one weapon has also been recovered. From this fact, it appears that the investigation is still going on. The Court shall not interfere or interdict with the investigation process, and the confessional statements or the recovery of the weapon itself is not sufficient to frame charges against the culprits.

5. Therefore, I do not find any good reason for the petitioner to make allegation against the official respondents that they have not been taking any action. Even assuming that the official respondents have not been taking any action, it is always open for such aggrieved person to lodge a complaint before the concerned magistrate, availing the remedy provided under Section 200 of the Code of Criminal Procedure.

6. With the above observations, the Writ Petition is closed, at the admission stage. No costs.

D.S.R. VARMA, J

DATED: 14.03.2005

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To

1 Superintendent of police, Adilabad District.
2 Sub-Divisional Superintendent of police, Adilabad District.
3 Inspector of Police, Bhainsa Rural Police Station, Adilabad District.
4 Secretary Home Dept., State of A.P. , Secretariat building, Hyderabad.

5. 2 CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)

6. 2 CD Copies.

7 1 CC to MR.MANIK PRABHU (OPUC)